

WC 04-15  
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**CABLE & WIRELESS**

Cable & Wireless  
11700 Plaza America Drive  
Reston  
VA 20190

www.cw.com

**Writer's Direct Dial:**  
(703) 667-6152

January 23, 2004

**RECEIVED**

**JAN 23 2004**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

*BY HAND DELIVERY*

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

**Re: Section 63.71 Application of Cable & Wireless USA, Inc.**

Dear Ms. Dortch:

Enclosed for filing is an application of Cable & Wireless USA, Inc., for authority pursuant to section 214(a) of the Communications Act to discontinue domestic telecommunications service.

An original and five copies are enclosed. According to the Common Carrier Services Fee Filing Guide, "[a] fee is not required for requests for reduction or discontinuance of service."

Please direct any inquiries regarding this matter to the undersigned.

Respectfully submitted,

*Cathleen K. Wasilewski*

Cathleen K. Wasilewski  
Director, Domestic Regulatory Affairs

Enclosures

cc Scott Bergmann, Wireline Competition Bureau  
Rodney McDonald, Wireline Competition Bureau  
Brad Koerner, Wireline Competition Bureau

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Cable & Wireless USA, Inc.,	)	File No. _____
Debtor-in-Possession	)	
	)	
Section 63.71 Application for Authority to	)	
Discontinue Certain U.S. Domestic	)	
Telecommunications Services	)	
	)	

**SECTION 63.71 APPLICATION**

Cable & Wireless USA, Inc., Debtor-in-Possession ("C&W USA") hereby requests authority pursuant to Section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a), and Section 63.71 of the rules of the Federal Communications Commission, 47 C.F.R. § 63.71, to discontinue the provision of certain U.S. domestic interstate telecommunications services in certain geographic areas. C&W is non-dominant with respect to the services being discontinued and customers have numerous options for service by other service providers. Affected customers have been notified in the manner described in Section 63.71(a).

C&W, a leader in high-performance Internet, data, web hosting, and communications services, is restructuring its U.S. business. This restructuring will allow C&W to provide the highest-quality services that best meet the needs of its customers in these areas.

Applicant provides the following information in support of this Application pursuant to Section 63.71 of the Commission's rules:

## **I. SECTION 63.71(a) INFORMATION**

(1) Name and address of carrier:

Cable & Wireless USA, Inc.  
11700 Plaza America Drive  
Reston, VA 20190

(2) Date of planned service discontinuance:

Applicant plans to discontinue these services on February 23, 2004.

(3) Geographic areas affected:

Affected customers are located in the states of: California; Kansas; Louisiana; Maryland; Ohio; Oregon; North Carolina; Tennessee; and Texas.

(4) Brief description of type of service affected:

Applicant hereby seeks authority to discontinue the provision of U.S. domestic interstate private line service in certain locations. C&W provides other domestic and international telecommunications and information services that will not be affected by this discontinuance.

## **II. NOTIFICATION REQUIREMENTS**

All customers were notified of this proposed discontinuance by personalized letters between December 13, 2003 and December 24, 2003 (*See Attachment A for sample letters*).

These letters included all content required by Section 63.71(a) and were sent at least 60 days in advance of the proposed discontinuance

Applicant certifies that concurrent with the filing of this Application, Applicant is submitting a copy of this Application to the public utility commission and governor of each state in which discontinuance is proposed, and also to the Special Assistant for Telecommunications to the Secretary of Defense, as required by Section 63.71(a).

## **III. REGULATORY STATUS**

Applicant is regulated as a non-dominant carrier with respect to the service that it seeks authority to discontinue.


#### **IV. CONCLUSION**

Neither the present nor future public convenience and necessity will be adversely affected by this proposed termination of service. Customers have been provided adequate notice, and the public clearly has access to comparable domestic interstate telecommunications services offered at competitive prices by many other telecommunications carriers.

For the foregoing reasons, Applicant respectfully requests, pursuant to Section 214(a) of the Act, 47 U.S.C. § 214(a), and Section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, that the Commission approve its Section 63.71 Application to discontinue the provision of U.S. domestic interstate telecommunications services as described herein.

Respectfully submitted,

**Cable & Wireless USA, Inc.**

By.   
Cathy L. Slesinger  
Senior Vice President  
Public Policy USA

January 23, 2004

**Attachment A: Sample Customer Notification Letters (sent on company letterhead)**

December 24, 2003

<<Customer Name>>

<<Account Name>>

<<Address line 1>>

<<Address line 2>>

RE <<Notice of Discontinuance of Private Line Services Associated with Circuit Numbers \_\_\_\_\_>>

Dear <<customer name>>,

Cable & Wireless America remains committed to providing exceptional value to the US marketplace, and we are continuing to evaluate our product & service offerings and network infrastructure in order to deliver the highest quality services to our customers

As you may be aware, certain of the Cable & Wireless America entities filed voluntary petitions for bankruptcy on December 8, 2003. This disconnect notice is not being issued as a result of the bankruptcy filing. Rather, the company is continuing to operate in the ordinary course of business during its bankruptcy.

Based on this ongoing evaluation, we are consolidating our network to focus on Hosting and IP Solutions. While we continue to invest in flexible and secure IP connectivity and networking services, as well as our secure infrastructure, we are discontinuing Private Line services in the following locations in the US:

Austin, TX	Kansas City, KA	Orlando, FL	San Antonio, TX
Baltimore, MD	Metairie, LA	Portland, OR	Santa Clara, CA
Cleveland, OH	Nashville, TN	Raleigh, NC	Houston, TX

As a result, Cable & Wireless America will no longer offer the Private Line services associated with the circuit numbers referenced above. This was a difficult decision as we have been providing these services to customers for many years. We regret any inconvenience this service discontinuance may cause.

On Monday, February 23, 2004, Cable & Wireless America will discontinue providing service for your circuit(s) referenced above. It will be necessary for you to select an alternative service provider and migrate to that new provider's network before February 23rd so that you do not experience disruption in service.

The final bill for your Private Line services in these locations, dated March 1, 2004, will reflect a credit from February 23 through February 29th.

**If your company has ordered its own loop(s) from your local access provider, your new service provider may be able to migrate the loop.** If migration is not possible and your company is the local access provider's "customer of record" for the loop, you must request a disconnect from your local access provider in order to ensure that your company is no longer charged for the loop. If, however, Cable & Wireless America provides your loop(s), you will need to order a new loop with your new service provider.

The FCC normally authorizes a proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the § 63.71 Application of Cable & Wireless America. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service. You should also e-mail your comments to Rodney McDonald at the FCC at [rodney.mcdonald@fcc.gov](mailto:rodney.mcdonald@fcc.gov).

Decisions that impact our customers are never easy, but we are committed to keeping you informed of all changes that may affect the services Cable & Wireless America provides to your company. Please note that only the circuits referenced at the top of this letter are affected. This letter does not affect other products or services, including Private Line services in other locations that you may receive from Cable & Wireless America. If you have any questions about the circuit(s) referenced above, please contact our Customer Support Services Hotline at 1-800-528-8156.

While we recognize the short-term inconvenience, we appreciate your patience as we continue to refine our business to ensure that we are your first choice for complex Hosting and IP Solutions.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Stiffler".

Patricia Stiffler  
Vice President, Customer Support Services  
Cable & Wireless America

December 22, 2003

<<Customer Name>>

<<Account Name>>

<<Address line 1>>

<<Address line 2>>

RE. <<Notice of Discontinuance of Private Line Services Associated with Circuit Numbers \_\_\_\_\_>>

Dear <<customer name>>,

Cable & Wireless America remains committed to providing exceptional value to the US marketplace, and we are continuing to evaluate our product and service offerings and network infrastructure in order to deliver the highest quality services to our customers

As you may be aware, certain of the Cable & Wireless America entities filed voluntary petitions for bankruptcy on December 8, 2003. This disconnect notice is not being issued as a result of the bankruptcy filing. Rather, the company is continuing to operate in the ordinary course of business during its bankruptcy.

Based on this ongoing evaluation, we are consolidating our network to focus on Hosting and IP Solutions. While we continue to invest in flexible and secure IP connectivity and networking services, as well as our secure infrastructure, we are discontinuing Private Line services in the following locations in the US:

Austin, TX	Kansas City, KA	Orlando, FL	San Antonio, TX
Baltimore, MD	Metairie, LA	Portland, OR	Santa Clara, CA
Cleveland, OH	Nashville, TN	Raleigh, NC	

As a result, Cable & Wireless America will no longer offer the Private Line services associated with the circuit numbers referenced above. This was a difficult decision as we have been providing these services to customers for many years. We regret any inconvenience this service discontinuance may cause. Our parent company Cable and Wireless plc (C&Wplc) will, however, continue to offer this service in the US and would like to afford you the opportunity to assign your contract and migrate your current service to their new network.

On Friday, February 20, 2004, Cable & Wireless America will discontinue providing service for your circuit(s) referenced above. If you do not make arrangements to assign your Private Line contract to C&Wplc it will be necessary for you to select an alternative service provider and migrate to that new provider's network before February 20th so that you do not experience disruption in service.

The final bill for your Private Line services in these locations, dated March 1, 2004, will reflect a credit from February 20 through February 29th.

If your company has ordered its own loop(s) from your local access provider, your new service provider may be able to migrate the loop. If migration is not possible and your company is the local access provider's "customer of record" for the loop, you must request a disconnect from your local access provider in order to ensure that your company is no longer charged for the loop. If, however, Cable & Wireless America provides your loop(s), you will need to order a new loop with your new service provider.

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the § 63.71 Application of Cable & Wireless USA, Inc. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service. You should also e-mail your comments to Rodney McDonald at the FCC at [rodney.mcdonald@fcc.gov](mailto:rodney.mcdonald@fcc.gov)



Decisions that impact our customers are never easy, but we are committed to keeping you informed of all changes that may affect the services Cable & Wireless America provides to your company. Please note that only the circuits referenced at the top of this letter are affected. This letter does not affect other products or services, including Private Line services in other locations that you may receive from Cable & Wireless America. If you have any questions about the circuit(s) referenced above, please contact our Customer Support Services Hotline at 1-800-528-8156

While we recognize the short-term inconvenience, we appreciate your patience as we continue to refine our business to ensure that we are your first choice for complex Hosting and IP Solutions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia Stiffler', written in a cursive style.

Patricia Stiffler  
Vice President, Customer Support Services  
Cable & Wireless America

### CERTIFICATE OF SERVICE

This is to certify that, on January 23, 2004, a copy of the foregoing Section 63.71

Application of Cable & Wireless USA, Inc., was sent, via First Class Mail (except where noted),  
to the persons listed below.

*Cathleen K. Wasilewski HdB*

Cathleen K. Wasilewski  
Cable & Wireless USA, Inc.

Marlene H. Dortch Secretary Federal Communications Commission 445 12 <sup>th</sup> Street S W Washington, DC 20554 (By hand-delivery)	Scott Bergmann Wireline Competition Bureau Federal Communications Commission 445 12 <sup>th</sup> Street S.W Washington, DC 20554 (By hand-delivery)
Rodney McDonald Wireline Competition Bureau Federal Communications Commission 445 12th Street S W Washington, DC 20554 (By hand-delivery)	Brad Koerner Wireline Competition Bureau Federal Communications Commission 445 12th Street S.W Washington, DC 20554 (By hand-delivery)
Secretary of Defense Attn: Special Assistant for Telecommunications The Pentagon Washington, DC 20301	
Executive Director California Public Utilities Commission 505 Van Ness Avenue San Francisco, California 94102	Telecommunications Adviser Office of the Governor State Capitol Sacramento, CA 95814
Telecommunications Adviser Office of the Governor The Capitol Tallahassee, FL 32399-0001	Office of the Executive Director Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850
Telecommunications Adviser Office of the Governor Capitol, 300 SW 10th Ave., Ste. 212S Topeka, KS 66612-1590	Executive Director Kansas Corporation Commission 1500 SW Arrowhead Road Topeka, KS 66604-4027

Telecommunications Adviser Office of the Governor P. O. Box 94004 Baton Rouge, LA 70804-9004	Executive Director Louisiana Public Service Commission Galvez Building 602 North Fifth Street Baton Rouge, Louisiana 70802
Telecommunications Adviser Office of the Governor State House 100 State Circle Annapolis, MD 21401	Executive Director Maryland Public Service Commission William Donald Schaefer Tower 6 St. Paul St., 16th Floor Baltimore, MD 21202
Telecommunications Adviser Office of the Governor 20301 Mail Service Center Raleigh, North Carolina 27699-0301	Executive Director North Carolina Utilities Commission 4325 Mail Service Center Raleigh, NC 27699-4325
Telecommunications Adviser Office of the Governor 77 South High Street Columbus, OH 43215-6117	Executive Director Public Utility Commission of Ohio 180 East Broad Street Columbus, OH 43215-3793
Telecommunications Adviser Office of the Governor 160 State Capitol 900 Court Street Salem, Oregon 97301-4047	Executive Director Public Utility Commission of Oregon 550 Capitol Street N.E. Suite 215 Salem, Oregon 97301-2551
Executive Secretary Tennessee Regulatory Authority 460 James Robertson Parkway Nashville, TN 37243-0505	Telecommunications Adviser Office of the Governor State Capitol Nashville, TN 37243-0001
Executive Director Public Utility Commission of Texas 1701 N Congress Avenue P.O. Box 13326 Austin, Texas 78711-3326	Telecommunications Adviser Office of the Governor P O Box 12428 Austin, Texas 78711